

BE IT ORDAINED, by the Board of Mayor and Burgesses, in a meeting duly assembled on February 4, 2020 that the Naugatuck Littering Ordinance, Chapter 10, Garbage, Trash and Refuse, Article II, Littering, §§ 10-16 – 10-44 of the Code of Ordinances of the Borough of Naugatuck, Connecticut is hereby repealed and amended to read as follows:

Naugatuck Littering and Dumping Ordinance
Chapter 10, Garbage, Trash and Refuse, Article II, Littering and Dumping,
§§ 10-16 – 10-44

Sec. 10-16. - Short title.

This article shall be known and may be cited as the "Naugatuck Littering and Dumping Ordinance."

Sec. 10-17. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

Furniture. The word "furniture" includes couches, mattresses, tables, chairs, desks, bureaus, cabinets, appliances, rugs, and any other household good that may not reasonably be discarded in private receptacles.

Garbage. The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter. The word "litter" includes any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, limited duration signs, off-premises signs, and abandoned signs, plastic or paper containers or other packaging or construction material which has not been deposited in a litter receptacle. "Litter" also includes any discarded or abandoned furniture items left on private or public property.

Mayor's designee. An employee of the borough designated by the mayor.

Park. The word "park" shall include a park, reservation, playground, recreation center or any other public area in the borough, owned or used by the borough and devoted to active or passive recreation.

Person. Any individual, business or business entity, corporation, partnership or limited liability company.

Private premises. The term "private premises" shall include any yard, grounds, walk, driveway, porch, steps, or mailbox belonging or appurtenant to any dwelling, house, building or other structure.

Public place. The term "public place" includes any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse. The word "refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish. "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, food and drink containers and similar materials.

Vehicle. The word "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Limited Duration Signs. "Limited Duration Signs" are a type of non-permanent sign that can be displayed on private property for greater than thirty (30) days, but are not intended to be displayed for an indefinite period. Limited duration signs require a sign permit, which is valid for up to one (1) year, and can be renewed annually.

Off-premises Signs. "Off-premises Signs" are signs with a message that directs attention to a specific business, product, service, event, activity, or other commercial or non-commercial activity, or contain a message about something that is not sold, produced, manufactured, furnished, or conducted on the premises where the sign is located. These types of signs are also commonly referred to as billboards or outdoor advertising signs.

Abandoned Signs. "Abandoned Signs" are signs which have not identified or advertised a business, service, owner, product, or activity for a period of at least one hundred eighty (180) days (for off-premises signs) and three hundred sixty (360) days (for on premises signs). Abandoned signs are commonly un-maintained and therefore pose an increased threat of becoming unsafe and should be removed. Additionally, abandoned signs that no longer contain a message contribute to the visual clutter of a community.

Temporary Sign. A type of non-permanent, sign that is located on private property that can be displayed for no more than thirty (30) consecutive days at one (1) time.

Sec. 10-18. – Garbage containers.

All garbage shall be placed in a private container for collection or in approved containers supplied by a municipality. Such container shall be kept covered at all times.

Sec. 10-19. - Rubbish receptacles; bundling of newspapers, magazines, etc.

- (a) All rubbish shall be deposited in authorized private receptacles or in approved containers supplied by a municipality. The placement of rubbish in authorized private receptacles or in approved containers supplied by a municipality to be collected is to prevent the rubbish from being scattered or from being carried by the elements. Containers must not be overfilled and lids must be able to fully close.

- (b) Authorized private receptacles for rubbish pickup shall be of galvanized iron or other material of substantial construction. Each container shall have its own lid and be securely covered. Boxes containing rubbish and capable of being handled by one (1) man will be allowed, provided they are securely covered and tied. Newspapers, magazines and other such materials must be bundled and securely tied. No other type of container for rubbish will be allowed under this article, with the exception of authorized general cleanup collection.
- (c) Rubbish will not be collected, unless put out for collection in accordance with this section.

Sec. 10-20. - Unlawful use of public litter receptacles.

No person shall deposit household rubbish or garbage in public litter receptacles.

Sec. 10-21. - Littering Prohibited

- (a) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in or upon any street, sidewalk or other public place within the borough.
- (b) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in or upon any private property in the borough not owned by such person.
- (c) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any furniture items in or upon any street, sidewalk or other public or private place within the borough.
- (d) Exception to the above shall be any item left curbside for a municipal bulk pick up. Item must be removed within seven (7) days after the bulk pick up date. Items may not block a sidewalk, driveway or crosswalk and may not block a fire hydrant.

Sec. 10-22. - Littering parks.

No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in any park within the borough. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Sec. 10-23. - Throwing litter from vehicle.

No person, being the driver or a passenger in a vehicle shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter upon any street or public place within the borough, or upon any private property. When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

Sec. 10-24. - Transportation of ashes, rubbish, boxes, etc.

No person shall transport in any truck or other vehicle, or in any other manner, through the public streets of the borough, streets to which the public has access, or over any land owned or controlled by the borough, any ashes, waste material, rubbish, discarded boxes, barrels or other containers of merchandise or discarded material of any kind or description, consigned to a dump or to any other destination, unless the same is conveyed or transported

in a truck, vehicle or other manner entirely covered or enclosed so that material cannot escape while being so transported. In the event the same shall be transported or conveyed other than in an entirely closed truck, vehicle or otherwise, such material being so transported and conveyed shall be covered by a canvas, or covering of a similar nature, securely fastened so as to prevent the material escaping from the truck, vehicle or otherwise onto the streets, sidewalks, ways, public land or private property. It shall be unlawful for any person to so convey and transport ashes, rubbish, waste or discarded material of any nature through the public streets of the borough, on ways open to the public or over land owned or controlled by the public, and allow such material to escape onto the streets and other places while being so transported and conveyed. It shall be the duty of the owner of the vehicle and every person transporting and conveying such material to stop and recover the same, in the event of any escape or loss thereof, irrespective of the cause of the escape or loss.

Sec. 10-25. - Unlawful deposits in ponds, etc.

No person shall throw or deposit or cause to be blown, scattered, spilled or placed or otherwise dispose, in any pond, brook, or natural waterway within the limits of the borough, any litter, dead animal, dead fish or fish waste, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil, fish oil or other greasy substance, so that the same shall create a danger to the public health, safety, and welfare.

Sec. 10-26. - Throwing or distributing notices.

- (a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the borough.
- (b) No person shall throw or deposit or post any commercial or noncommercial handbill in or upon any vehicle; provided, however that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, either a commercial or noncommercial handbill to any occupant of a vehicle who is willing to accept it.
- (c) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is a sign bearing the words "No Trespassing, "No Advertisement" or any similar notice indicating in any manner that the occupants of said premises do not desire to receive handbills.
- (d) A person shall be allowed to post or affix any notice, poster, or other paper device to any lamppost, public utility pole or shade tree for tag sales, lost animals, and the like, if it is removed within seventy-two (72) hours of completion of the event. A fine of not more than twenty-five dollars (\$25.00) will be levied for any violation of subsection (d) of 10-26.

Sec. 10-27. - Duty to maintain private property free of litter.

The owner and person in possession or control of any private property shall at all times maintain his premises free of litter so that the same does not constitute a danger to the public health, safety and welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 10-28. - Duty of property owners or occupants to keep sidewalks free of litter.

The owner and person in possession or control of any private property shall keep the sidewalk in front of their premises free of litter. If any litter is discarded onto a sidewalk the borough may remove said litter without notice and issue a violation in accordance with section 10-33 *et seq.*, as referenced herein, which will include any enforcement, remediation or removal costs.

Sec. 10-29. - Notice to remove litter from open or vacant private property.

The mayor or his designee is hereby authorized and empowered to request the owner of any open or vacant private property within the borough, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such request shall be by registered mail, addressed to the owner at his last known address, or by posting and keeping posted for twenty-four (24) hours a copy of the warning notice letter in placard form in a conspicuous place on the premises.

Sec. 10-30. – Dumping Prohibited.

(a) Pursuant to Connecticut General Statute §22a-250 *et seq.*, and as defined in Connecticut General Statute §22a-248, no person shall dump any material upon any public or private property within the borough not owned by such person except when (1) such property is designated by the State or Borough for dumping, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The borough, upon complaint or on its own initiative, may investigate any violation of this section. As used in this subsection “dump” means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in Connecticut General Statute § 22a-115, or any other similar material.

(b) If the Naugatuck Police Department or the mayor’s designee, after investigation, finds that there has been a violation of section 10-30(a), he may send a notice to the owner of the property where such violation has occurred by certified mail, return receipt requested, to the address of record for property tax purposes. Such notice shall include

- (1) a reference to the statute alleged to have been violated;
- (2) a short and plain statement of the matter asserted or charged;
- (3) a demand that such property owner remove any material dumped in violation of this section to a solid waste facility approved by the borough; and
- (4) a statement that such property owner has the right to a hearing to contest the violation finding and the date, time and place for the hearing.

Such hearing shall be fixed for a date not later than ten (10) days after the notice is mailed. The hearing shall be completed within fifteen (15) days after such hearing commences and a decision shall be rendered within ten (10) days of the completion of such hearing.

(c) The citation hearing board shall hold a hearing upon the alleged violation unless such property owner fails to appear at the hearing. If such property owner fails to appear at the hearing or if, after the hearing, the chief elected official or his designee finds that material has been dumped on such owner's property in violation of this section and such

- property owner has not removed such material to a solid waste facility approved by the commissioner, the designee may order that such property owner within thirty (30) days remove such material to a solid waste facility approved by the borough. The citation hearing board shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to such property owner. The person may appeal from an order of the citation hearing board under this subdivision in accordance with the provisions of Connecticut General Statutes §8-8.
- (d) If the owner fails to remove such material within thirty (30) days from the date of the order issued by the citation hearing board under this section, and no appeal of such order has been taken in accordance with Connecticut General Statutes §8-8, the borough may enter such property and remove such material to a solid waste facility approved by the borough.
- (e) Any person who violates this section shall be liable for a civil penalty of not less than one thousand dollars (\$1,000.00), nor more than ten thousand dollars (\$10,000.00) for each day such violation continues. The superior court, in an action brought by the borough or by the attorney general on the request of the commissioner, shall have jurisdiction to issue an order to such person directing the removal of the material to a solid waste facility approved by the commissioner or borough. If the court finds that the violation was willful, it may impose a civil penalty equivalent to three (3) times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order that a violator shall pay restitution to a landowner which the court finds has suffered damages as a result of the violation. All such actions shall have precedence in the order of trial as provided in Connecticut General Statutes §52-191.
- (f) Any vehicle used by any person in violation of this section may be forfeited in accordance with Connecticut General Statutes §22a-250a.

Sec. 10-31. - Collection boxes.

Receptacles for collecting clothing, shoes and furniture and other donations shall be registered in the borough zoning office by the owner of the receptacle. The registration shall include the name, address and phone number of the entity responsible for the collection receptacle. A receptacle for collecting clothing, shoe and furniture and other donations shall be regularly emptied of its contents so that it does not overflow and result in donations being strewn about the surrounding area. The registrant shall maintain the area around the receptacle clean and free of trash. Any objects outside of the receptacle shall be removed within five (5) business days. Failure to comply with this requirement will result in a written warning being issued by the borough zoning office to the registrant. After issuance of three (3) notices, the next failure to maintain will result in revocation of registration will be suspended and the collection receptacle shall be removed from the premises. The applicant may request a new registration after thirty (30) days. The borough reserves the right to provide services to clean up the area if the registrant fails to do so, and will bill the registrant for the actual cost of man hours expended and disposal costs for the cleanup.

Sec. 10-32. – Signs.

- (a) No person shall permit a limited duration, off-premises, or temporary sign on its property for longer than the permitted time periods set forth in the “definition” section

referenced above. Abandoned signs and all signs that are no longer within the relevant time periods will be considered litter.

- (b) The borough retains the right to remove all unauthorized signs from public property without notice and issue a violation in accordance with Section 10-33 *et seq.*
- (c) All signage must comply with Section 43 *et seq.* of the Borough of Naugatuck Code of Ordinances Appendix B (Zoning), Article IV entitled “Signs.”

Sec. 10-33. – Violations of article; penalties.

- (a) Notwithstanding the judicial remedies available to the borough in section 10-30, any person who violates any section of this article shall be deemed to have committed a violation and be subject to a fine of one hundred ninety-nine dollars (\$199.00) or the amount published by the Judicial Branch of the State of Connecticut as authorized in section 51-164m of the Connecticut General Statutes, whichever is greater. If the borough incurs any additional expenses or costs in relation to the enforcement, removal or remediation of the violation, the cost will be in addition to the fine.
- (b) Each day such a violation is committed or permitted to continue shall constitute a separate offense. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.
- (c) Any person who violates section 10-21(c) of this article shall be deemed to have committed a violation and be subject to a fine of one hundred ninety-nine dollars (\$199.00) or the amount published by the Judicial Branch of the State of Connecticut as authorized in section 51-164m of the Connecticut General Statutes, whichever is greater. If the borough incurs any additional expenses or costs in relation to the enforcement, removal or remediation of the violation, the cost will be in addition to the fine. In addition, the borough may conduct a hearing in accordance with this ordinance and may assess a separate five hundred dollars (\$500.00) administrative penalty to the responsible party or property owner, as applicable.
- (d) Any person who violates section 10-30 of this chapter shall be deemed to have committed a violation and be subject to a minimum of one thousand dollars (\$1,000.00) and maximum of ten thousand dollars (\$10,000.00). Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 10-34. – Litter Civil Penalty Hearing Procedure.

- (a) An owner/occupant/possessor may request an administrative appeal hearing after receiving a citation. Said person must make his/her request for a hearing within ten (10) days of issuance of the citation. Said request shall be made in writing to the following: Citation Hearing Board, Borough of Naugatuck, 229 Church Street, Naugatuck, CT 06770.
- (b) Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Borough of Naugatuck, 229 Church Street, Naugatuck, CT 06770. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the citation shall be deemed

- to have admitted liability, and the citation hearing board shall certify such person's failure to respond. The citation hearing board shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in section 7-152c(f) of the Connecticut General Statutes.
- (c) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than fifteen (15) nor more than thirty (30) calendar days from the date of the notice. The citation hearing board may grant a postponement or continuance for good cause. An original or certified copy of the citation and notice shall be filed and retained by the citation hearing board.
 - (d) Pending the hearing before the citation hearing board, no further enforcement activity as contemplated by section 10-33 of this article shall occur until either a hearing is held and the citation hearing board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the citation hearing board assesses fines, penalties, costs and/or fees. This section shall not preclude the accrual of fines during the period from the issuance of the notice until a hearing is held.
 - (e) If such assessment is not paid on the date of its entry, a member of the citation hearing board shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator together with an entry fee of eight dollars (\$8.00). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars (\$8.00), against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

Sec. 10-35. – Appointment of citation hearing board.

The mayor shall appoint three (3) borough residents who shall not be employed by the Naugatuck Police Department to serve as the citation hearing board and who shall collectively constitute the citation hearing officer. Such members shall serve terms of two (2) years each in concurrence with the borough election cycle. Proceedings of the citation hearing board shall be conducted in accordance with the laws of the state and any provisions of the charter or ordinances of the borough generally applicable to its boards and commissions. No zoning enforcement officer, police officer, building inspector or employee of the borough may be appointed to as a hearing officer under this article.

Sec. 10-36 – 10-44. Reserved.

This ordinance shall be effective upon publication.

Nancy K. DiMeo, Borough Clerk